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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,293	10/22/2003	Cameron P. Williams	6978-237/COA	2259

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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,293

Applicant(s)

WILLIAMS, CAMERON P.

Examiner

Roger L Pang

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 11, 20 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-15, 18, 19, 21-26, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-22-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following action is in response to communications filed for application 10/691,293 on July 19, 2004.

Election/Restrictions

Claims 11, 20, and 27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 19, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12-15, 18-19, 21-26, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada. Yamada teaches: an engine having a rotary output (Fig. 2); a transmission 3 having a rotary input and a rotary output connected to a first axle 16 assembly having a first pair of wheels 17/18; a first clutch 2 for selectively coupling said engine output to said transmission input for providing driving torque to said first pair of wheels; an electric motor 31 having a rotary member connected to a second axle 35 assembly having a second pair of wheels 36/37; a transfer unit 28 driven by said engine output (when 29 is clutched); a second clutch 32 for selectively coupling said transfer unit to said rotary member of said electric motor; a hybrid control unit for controlling selective actuation of said electric motor and said first and second clutches (Fig. 1); an engine control unit 45 for controlling operation of said engine; a

Art Unit: 3681

transmission control unit, said hybrid control unit communicating with said engine control unit and said transmission control unit to establish an electric drive mode and an engine drive mode (Fig. 4); first clutch being engaged and second clutch being released during engine drive mode such that the engine delivers torque through said transmission to said first pair of wheels (ENGINE FWD DRIVING; Fig. 4); said rotary member of said electric motor is selectively driven by said second axle assembly during said engine drive mode for driving said electric motor as a generator (CHARGE FWD DRIVING; second clutch is engaged still during engine only drive in FWD; Fig. 4); said first clutch is released and said second clutch is engaged during said electric drive mode such that said electric motor drives said rotary member for delivering drive torque to said second pair of wheels (MOTOR RWD DRIVING; Fig. 4); a third clutch 30 for selectively coupling said rotary member of said electric motor to said second axle assembly (when 29 is engaged), and wherein said hybrid control unit is operable to control actuation of said third clutch; first clutch is engaged and said second and third clutches are released during an engine drive mode for providing drive torque to said first pair of wheels (ENGINE FWD DRIVE; Fig. 4); said second clutch can be selectively engaged during said engine drive mode for driving said rotary member of said electric motor such that the electric motor functions as a generator for charging a battery (CHARGE FWD DRIVING; third clutch is engaged too; Fig. 4); said second axle assembly includes a differential 33 and a pair of drive axles 34/35 connecting said second pair of wheels to said differential, and wherein said third clutch is operable for selectively coupling said rotary member (when clutch 32 is engaged) of said electric motor to said differential; and wherein said power transfer unit includes a controllable clutch unit 30 operable in a released mode to uncouple said electric motor from said power transfer unit and in an

Art Unit: 3681

engaged mode to couple said electric motor to said power transfer unit (Fig. 1; Fig. 4; active clutch system including clutch 29).

Allowable Subject Matter

Claims 9-10, and 16-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gardner, Yang, Arai and Porter have been cited to show similar transmissions.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Art Unit: 3681

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

Art Unit: 3681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L. Pang
Patent Examiner
Art Unit 3681

September 3, 2004